

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Casey McCann	Team: Squad #4	CCRB Case #: 201805808	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 06/19/2018 , Wednesday, 07/18/2018 6:00 AM	Location of Incident: § 87(2)(b)	Precinct: 63	18 Mo. SOL 1/18/2020	EO SOL 1/18/2020	
Date/Time CV Reported Wed, 07/18/2018 12:29 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 07/18/2018 12:29 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Patrick Dooley	2129	944518	WARRSEC
2. DT3 Jason Sanchezescobar	4432	947452	WARRSEC

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Jovaniel Cordova	5870	946459	WARRSEC
2. SGT Brandon Bersch	02946	903433	WARRSEC
3. POM Ryan Jaffe	11329	954968	WARRSEC

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Patrick Dooley	Abuse: On June 19, 2018, Detective Patrick Dooley refused to show the arrest warrant to § 87(2)(b)	§ 87(2)(b)
B.DT3 Patrick Dooley	Abuse: On June 19, 2018, Detective Patrick Dooley entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
C.DT3 Patrick Dooley	Abuse: On June 19, 2018, Detective Patrick Dooley searched § 87(2)(b) in Brooklyn.	§ 87(2)(b)
D.DT3 Patrick Dooley	Abuse: On July 18, 2018, Detective Patrick Dooley refused to show the arrest warrant to § 87(2)(b)	§ 87(2)(b)
E.DT3 Patrick Dooley	Abuse: On July 18, 2018, Detective Patrick Dooley entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
F.DT3 Patrick Dooley	Abuse: On July 18, 2018, Detective Patrick Dooley searched § 87(2)(b) in Brooklyn.	§ 87(2)(b)
§ 87(4-b), § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)

### Case Summary

On July 18, 2018, § 87(2)(b) filed this complaint with the CCRB via telephone.

On June 19, 2018, at approximately 6 a.m., Detective Patrick Dooley of the Brooklyn South Warrant Squad, refused to show the arrest warrant to § 87(2)(b) (**Allegation A: Abuse of Authority**, § 87(2)(g)). Det. Dooley entered and searched § 87(2)(b) in Brooklyn (**Allegations B and C: Abuse of Authority**, § 87(2)(g)).

On July 18, 2018, at approximately 6:25 a.m., Det. Dooley refused to show the arrest warrant to § 87(2)(b) (**Allegation D: Abuse of Authority**, § 87(2)(g)). Det. Dooley entered and searched § 87(2)(b) in Brooklyn (**Allegations E and F: Abuse of Authority**, § 87(2)(g)).

§ 87(4-b), § 87(2)(g)

There is no known video footage of either incident.

Neither the incident on June 19, 2018 nor July 18, 2018 resulted in an arrest or summons.

### Findings and Recommendations

**Allegation (A) Abuse of Authority: On June 19, 2018, Detective Patrick Dooley refused to show the arrest warrant to § 87(2)(b)**

**Allegation (B) Abuse of Authority: On June 19, 2018, Detective Patrick Dooley entered § 87(2)(b) in Brooklyn.**

**Allegation (C) Abuse of Authority: On June 19, 2018, Detective Patrick Dooley searched § 87(2)(b) in Brooklyn.**

**Allegation (D) Abuse of Authority: On July 18, 2018, Detective Patrick Dooley refused to show the arrest warrant to § 87(2)(b)**

**Allegation (E) Abuse of Authority: On July 18, 2018, Detective Patrick Dooley entered § 87(2)(b) in Brooklyn.**

**Allegation (F) Abuse of Authority: On July 18, 2018, Patrick Dooley searched § 87(2)(b) in Brooklyn.**

§ 87(2)(g)

The investigation established the following facts:

Detective Alex Fernsmith of the Detective Borough Brooklyn Special Victims Squad activated an I-Card (BR 04) for § 87(2)(b) § 87(2)(b) son, on § 87(2)(b) with probable cause to arrest § 87(2)(b). The address listed on the I-Card in § 87(2)(b) in Brooklyn. There is no photograph of § 87(2)(b) § 87(2)(b) attached to the I-Card.

Det. Dooley was assigned to the case and ran several searches for § 87(2)(b) in Brooklyn. In the course of these searches, Det. Dooley found two arrest warrants for § 87(2)(b) § 87(2)(b) both issued in 2015, which listed § 87(2)(b) in Brooklyn as the address for § 87(2)(b) (BR 05). A third warrant - a bench warrant issued for § 87(2)(b) § 87(2)(b) in 1989 - also listed § 87(2)(b) as § 87(2)(b) § 87(2)(b) address.

On June 19, 2018 and July 18, 2018, Det. Dooley went to § 87(2)(b) to conduct an investigation into the active I-Card, and arrest and bench warrants.

According to § 87(2)(b) (BR 06), on June 19, 2018, at approximately 6 a.m., § 87(2)(b) was at her home, at § 87(2)(b) with her § 87(2)(b) son, § 87(2)(b) § 87(2)(b) son, § 87(2)(b) and § 87(2)(b) grandson, § 87(2)(b) third son, § 87(2)(b) § 87(2)(b) was not home.

§ 87(2)(b) awoke to knocking on the door. When § 87(2)(b) opened the door, Det. Dooley, Det. Sanchez-Escobar, and two other officers, identified by the investigation as Sergeant Brandon Bersch and Police Officer Ryan Jaffe, both of the Brooklyn South Warrant Squad, were outside her door. Det. Dooley informed her that he had three warrants, one for her son, § 87(2)(b) and another for an individual named “§ 87(2)(b) § 87(2)(b) did not know anyone named “§ 87(2)(b) and § 87(2)(b) § 87(2)(b) did not associate with anyone named § 87(2)(b) § 87(2)(b) requested to see the warrants. Det. Dooley showed § 87(2)(b) his cell phone, but § 87(2)(b) could not see what Det. Dooley showed her, except that she saw a picture of a black male, which did not look like § 87(2)(b) § 87(2)(b) When Det. Dooley asked if he could enter her apartment, § 87(2)(b) responded, “Okay.”

All four officers entered § 87(2)(b) apartment and looked inside of the two bedrooms, bathroom, living room, and kitchen and dining room area. The officers looked underneath the beds and opened closets, but did not open any cabinets or drawers, remove any property, or damage any property. After approximately five minutes, the officers left § 87(2)(b) apartment.

On July 18, 2018, § 87(2)(b) (BR 06) was again sleeping at her home when she awoke to knocking on her door. § 87(2)(b) and § 87(2)(b) were also home. When § 87(2)(b) opened the door, Det. Dooley and Det. Sanchez-Escobar were outside, and Det. Dooley explained again that he had warrants for § 87(2)(b) § 87(2)(b) and “§ 87(2)(b) § 87(2)(b) requested to see the warrants and Det. Dooley showed § 87(2)(b) his cell phone. § 87(2)(b) saw the same photograph on Det. Dooley’s phone from the incident that occurred in June. Det. Dooley asked § 87(2)(b) if he could come inside the apartment. § 87(2)(b) said, “Yes, but you didn’t read the warrant for me.” § 87(2)(b) stepped out of the way and Det. Dooley and Det. Sanchez-Escobar entered § 87(2)(b) apartment.

Once inside, Det. Dooley and Det. Sanchez-Escobar looked inside closets and underneath beds. After three to four minutes, Det. Dooley and Det. Sanchez-Escobar left the apartment.

After the incident, § 87(2)(b) contacted her landlord, § 87(2)(b) to ask about “§ 87(2)(b) § 87(2)(b) informed § 87(2)(b) that “§ 87(2)(b) lived at her apartment before she moved in. § 87(2)(b) and § 87(2)(b) were unavailable to the investigation (BR 11).

According to Det. Dooley (BR 07), on June 19, 2018, he, Sgt. Bersch, PO Jaffe, Det. Sanchez-Escobar, and Parole Officer Dave Fernandez went to § 87(2)(b) to investigate an I-Card for § 87(2)(b) § 87(2)(b) and arrest warrants for § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b). Parole Officer Fernandez was present due to an earlier unrelated incident Det. Dooley and Parole Officer Fernandez responded to.

Parole Officer Fernandez and PO Jaffe remained at the front and rear of the building respectively, while Det. Dooley, Det. Sanchez-Escobar, and Sgt. Bersch went to § 87(2)(b) apartment door. When Det. Dooley knocked on the door, he heard people moving around inside, which made him believe that § 87(2)(b) or § 87(2)(b) § 87(2)(b) may be hiding inside the apartment.

When § 87(2)(b) opened the door approximately five minutes later, Det. Dooley informed her that there was an open complaint for § 87(2)(b) § 87(2)(b) and three warrants for § 87(2)(b) and § 87(2)(a) Det. Dooley showed § 87(2)(b) the I-Card and warrants on his department-issued cell phone. § 87(2)(b) denied knowing § 87(2)(b) or § 87(2)(b) § 87(2)(b).

Det. Dooley said, “I’m going to do a search,” to which § 87(2)(b) responded, “Okay.” Det. Dooley, Det. Sanchez-Escobar, and Sgt. Bersch entered the apartment.

§ 87(2)(b) escorted Det. Dooley around the apartment. Det. Dooley looked in the kitchen, living room, bathroom, and two bedrooms, as well as any closets to ensure § 87(2)(b) § 87(2)(b) § 87(2)(b) and § 87(2)(b) were not inside. At some point while Det. Dooley was inside the apartment, § 87(2)(b) admitted that § 87(2)(b) was her son, but that he was not home. § 87(2)(b) also told Det. Dooley that § 87(2)(b) § 87(2)(b) “had not been home in a week.”

Det. Dooley gave § 87(2)(b) his business card and left the location.

§ 87(2)(e), § 87(2)(f)

§ 87(2)(b) the active I-Cards and warrants, Det. Dooley decided to go back to § 87(2)(b)

On July 18, 2018, at approximately 6:28 a.m., Det. Dooley, Det. Sanchez-Escobar, and Det. Jovaniel Cordova, also of Brooklyn South Warrant Squad, went to § 87(2)(b) When § 87(2)(b) opened the door, Det. Dooley explained why he was there again, and asked if he could “come inside and do a walk through.” Det. Dooley presented the I-Card and warrants on his department-issued cell phone again. § 87(2)(b) said, “Okay,” and let Det. Dooley and Det. Sanchez-Escobar enter the apartment, while Det. Cordova waited outside the door. Det. Dooley looked inside the bedrooms, living and dining areas, and closets, but did not find § 87(2)(b) § 87(2)(b)

§ 87(2)(b) or § 87(2)(b)

Det. Sanchez-Escobar (BR 08) was consistent with Det. Dooley that on both incident dates, Det. Dooley showed § 87(2)(b) both the I-Card and warrants on his department-issued cell phone and § 87(2)(b) verbally consented to the officers entering the apartment.

Upon request of the defendant, an officer must show the arrest warrant if he has it in his possession. In order to effect the arrest, the police officer may enter any premise in which he reasonably believes the defendant to be present. Before entering the dwelling of a third party, an officer must give, or make reasonable effort to give, notice of his authority and purpose to the occupant. New York Criminal Procedure Law 120.80 (BR 09).

Consent is voluntary when it is “a true act of the will, an unequivocal product of an essentially free and unconstrained choice.” People v. Gonzalez 39 N.Y.2d 122 (1976) (BR 10).

A protective sweep, aimed at protecting the officers, is not a full search of the premises, but may extend only to cursory inspection of those spaces where a person might be found. Maryland v. Buie 494 U.S. 325 (1990) (BR 12).

§ 87(2)(g)

On both June 19, 2018 and July 18, 2018, § 87(2)(b) acknowledged saying, “Okay” and “Yes” respectively when Det. Dooley asked if he could enter the apartment. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

[illegible]

## **Civilian and Officer CCRB Histories**

- \_\_\_\_\_

## Mediation, Civil and Criminal Histories

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

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Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date